

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION MEETING**

**Wednesday, February 4, 2015**

**6:00 p.m.**

**Cottonwood Heights City Council Room  
1265 East Fort Union Boulevard, Suite 300  
Cottonwood Heights, Utah**

***ATTENDANCE***

**Members Present:** Chair Gordon Walker, Vice Chair Paxton Guyman, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Alternate Joseph Demma

**Excused:** Commissioner Jeremy Lapin

**Staff Present:** Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, City Attorney Shane Topham

**Others Present:** Gary McGee, Mark Neff, Jason Neal, Janice Neal, Troy Ripplinger, Marty Pierson, Darren Croft, Gary Napel

**BUSINESS MEETING**

**1.0 WELCOME/ACKNOWLEDGEMENTS**

Chair Walker called the meeting to order at 6:10 p.m. and welcomed those attending.

**2.0 CITIZEN COMMENTS**

Chair Walker opened the citizen comment period.

Nancy Hardy expressed her enthusiasm for the upcoming live audio streaming of City meetings. She asked what the policy is for one to meet individually with a planning commissioner.

City Attorney, Shane Topham, clarified that the rules of procedure state that if an application is pending, the Commissioners should avoid discussing the item in private with the applicant.

Commissioner Guymon asked for clarification regarding Commissioners discussions with individuals of the public who may want to voice their concerns when there is an application pending.

Mr. Topham stated that counsel advises to avoid meeting with anyone outside of planning commission meetings.

Ms. Hardy understands that cities need to grow and develop and asked not to destroy what people like about a city in the process.

Commissioner Bolyard announced that Chairman Walker will be honored by the Utah Apartment Association and will receive their annual “Lifetime Achievement Award” for his efforts in the multi-family segment of the real estate market.

Chair Walker expressed appreciative of the Association extending the honor to him.

There were no further citizen comments. The citizen comment period was closed.

### 3.0 PUBLIC HEARINGS

#### 3.1 **(Project #ZTA - 15-001) Public Comment on a City-initiated proposed text amendment to Chapter 19 of the Cottonwood Heights Municipal Code. The proposed amendment would introduce a new zoning classification, Planned Development Districts (PDD)**

Chair Walker reported that the proposed amendment will introduce a new zoning classification known as Planned Development Districts (PDD).

Community and Economic Development Director, Brian Berndt, presented the staff report for the proposed City-initiated text amendment to Chapter 19 of the Cottonwood Heights Municipal Code. One of the City’s first priorities at the time of incorporation was to create a General Plan. Areas requiring additional review include the gravel pit area, Wasatch Boulevard, and Fort Union Boulevard. The University of Utah, BYU, and the Wasatch Front Regional Council have been studying those areas. The City Council asked that staff prepare a draft of code language for specialty zoning for these particular areas. It was reported that this is a geographically based code based on three tiers. Property details were discussed. Mr. Berndt stated that this is meant to be a specialty zone and will provide the option of creating flexibility to encourage a mix of uses. In addition, a minimum baseline on the development standards was proposed.

Mr. Berndt reported that the site criteria for these types of proposals include certain things. One is a pedestrian-oriented interface. It was noted that the site plan promotes some type of transit-oriented development and must go through an environmentally sustainable design checklist. Before the application is submitted, there will be a community workshop, community open house, and a community meeting. This will be helpful for not only the Commission and City Council, but also staff to help identify issues that may arise in these types of discussions. The Fort Union concept drawings were detailed.

Chair Walker opened the public hearing.

Roger Bartholomew expressed concern with the mapped yellow zone and asked that the map be tightened up in areas that are not under consideration. With regard to the area near Clover Dale Park, he believes the topography does not support the plan. He also expressed concern regarding Median landscaping and eminent domain issues.

Troy Riplinger stated that he believes that the commission has already made a decision and will not take into consideration the public’s comments. He expressed concern with annexing of the south side of Clover Dale and making it part of the project.

Chair Walker stated that the Commission is interested in getting feedback from the public and it is his belief that no one on the Commission has yet made a decision on the proposal.

Nathan Hersscher expressed concern with a particular zoning on the mapping that intrudes onto his neighborhood. He believes that if this area is made commercial, it will have a negative impact on property values in the area.

Joan Tolman is opposed to the proposal and does not want her property value diminished.

Lynn Kraus is in favor of the overall concept, but is opposed to there being no height restriction. She prefers the scarred mountainside to a very tall building.

Nancy Hardy asked if there was any uniformity to the proposal and if the applicants can make a submission without a height restriction.

Pam Palmer recommends solar power be considered for buildings going into this space. She asked that open space be based on buildable land area and native landscaping be used. Community involvement and proper notification are also of concern. Having spoken to a UDOT Traffic Engineer, Ms. Palmer stated that they considered Wasatch Boulevard to be at capacity.

Marty Pearson expressed concern with the design, planning, and landscaping and with it being applied incorrectly. Because Fort Union is a major arterial, he believes that transit-oriented development may not be appropriate there. He suggested that the height limitations be reviewed and is in favor of leaving the park as-is.

Mark Machlis was present on behalf of CH Voters and expressed appreciation for the open house. He likes the fact that the process makes development decisions legislative rather than administrative. With regard to the gravel pit, he stated that there needs to be a baseline. He suggests delaying consideration and moving forward first with Fort Union.

Gary McGee is of the opinion that this is a grandiose idea that needs further review. He is opposed to the proposed text amendment.

Commissioner Guymon asked if the land is rezoned as a PDD if it will make available any and all uses in all zones in the City.

Mr. Berndt stated that that is an option and the developer must submit a list of uses in addition to the development standards and criteria. He surveyed the majority of the cities in the metropolitan area and they all have this type of zoning. The proposal is broken down into tiers because they understand the difference in the intensification of these areas. Specialty zoning is used throughout metropolitan cities and the intent and overall purpose is addressed by allowing development of a piece of property using various techniques to satisfy different market needs. This provides options for transportation to flow more efficiently.

Commissioner Guymon asked why they should not exclude the existing parks from the legend map.

Mr. Berndt explained that the current map is based on what was included in the study area. It was noted that Mountain View Park will not change and he agreed to refine the lines and remove questionable properties.

***Motion: Commissioner Bolyard moved to keep the public hearing open until the next meeting planning commission meeting. The motion was seconded Commissioner Jones. Vote on motion: Joseph Demma-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously. Alternate Member Joseph Demma voted due to the absence of Jeremy Lapin.***

#### 4.0 ACTION ITEMS

##### 4.1 **(Project #ZMA 13-006) Action on a request from Christian and Shellee Neff for a General Plan and Zone Map Amendment to the properties at 8595-8959 South Wasatch Boulevard**

Senior Planner, Glen Goins, presented the staff report for the General Plan and Zone Map Amendment for properties located at 8595-8959 South Wasatch Boulevard. Staff recommends a favorable motion be forwarded to the City Council for the RO Zone consideration. The applicant submitted a letter addressing concerns raised at the previous hearing.

Mark Neff was present representing the applicants, Christian and Shellee Neff. Mr. Neff is not convinced that the RO Zone is the proper zoning, but is agreeable to staff's suggestion. The property is 1.49 acres in size and presently is part of an approved five-lot subdivision.

Commissioner Guymon asked how Mr. Neff felt about the property being rezoned RO without any prohibition.

Mr. Neff indicated that that would be acceptable as it gives them more options than they currently have in the R-2 Zone. The twin home in the zone becomes a conditional use, which would give the City and community involvement in the final project.

Commissioner Peters feels this was a very unusual situation as the R-2 zoning proposal was heard several months prior at which time the Commission denied it and forwarded it on to the City Council. To address the RO Zone without any condition for duplex use seems to be the same request.

Commissioner Guymon believes the unique location and topography is more suitable to some sort of office use. The RO Zone allows for a residential use as well. He is of the opinion that the RO Zone is more appropriate.

***Motion: Commissioner Peters moved to table the application until the next meeting for further review. The applicant had not made an application for this zoning as the request was made by staff. The Commission should review the previous public comment. The motion was seconded by Commissioner Janke.***

***Commissioner Guymon made a substitute motion that this item be forwarded on to the City Council with a positive recommendation in favor of the General Plan and zoning map amendment to the RO Zone. The motion was seconded by Commissioner Demma.***

Commissioner Peters stated that the down side is that if approval is recommended to the City Council and denied, the applicant has to wait one year for an additional opportunity to develop the property. The advantage would be that it would be in the hands of the City Council.

Mr. Goins stated that the conditional use of a twin home would be required to return to the Planning Commission.

***Vote on motion: Joseph Demma-Aye, Janet Janke-Nay, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Nay, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed 5-to-2. Alternate Member Joseph Demma voted due to the absence of Jeremy Lapin.***

##### 4.2 Approval of January 7, 2015 Minutes

*Motion: Commissioner Janke moved to approve the January 7, 2015 minutes, as written. The motion was seconded by Commissioner Bolyard. Vote on motion: Joseph Demma-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously. Alternate Member Joseph Demma voted due to the absence of Jeremy Lapin.*

## 5.0 ADJOURNMENT

*Commissioner Demma moved to adjourn. The motion was seconded by Commissioner Bolyard and passed unanimously on a voice vote.*

The Planning Commission meeting adjourned at 7:30 p.m.

Minutes approved: 03/04/2015